



Senate

General Assembly

File No. 488

January Session, 2013

Substitute Senate Bill No. 977

Senate, April 15, 2013

The Committee on Government Administration and Elections reported through SEN. MUSTO of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE MEMBERSHIP OF CONSTRUCTION SERVICE PANELS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 4b-56 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2013*):

3 (a) There shall be established within the Department of
4 Construction Services state construction services selection panels
5 which (1) for projects valued at five million dollars or more, shall
6 consist of five members, [. Four of such members shall be appointed by
7 the commissioner, shall serve only for deliberations involving the
8 project for which such members are appointed, and] four of whom
9 shall be current or retired employees of the Department of
10 Construction Services [. The remaining member] appointed by the
11 commissioner and one of whom shall be appointed by the head or
12 acting head of the user agency, and [shall serve only for deliberations
13 involving the project for which such member is appointed.] (2) for

14 projects valued at less than five million dollars, shall consist of three
15 members, two of whom shall be current or retired employees of the
16 Department of Construction Services appointed by the commissioner
17 and one of whom shall be appointed by the head or acting head of the
18 user agency. Each member of a section panel, regardless of the
19 appointing authority, shall serve only for deliberations involving the
20 project for which such member is appointed.

21 (b) [The selection panels] A panel established pursuant to
22 subsection (a), (c) or (e) of this section shall not be deemed to be a
23 board or commission within the meaning of section 4-9a.

24 (c) There shall be established within the Department of Construction
25 Services Connecticut Health and Education Facilities Authority
26 construction services panels which shall consist of five members. Three
27 of such members shall be appointed by the Commissioner of
28 Construction Services, shall serve only for deliberations involving the
29 project for which such members are appointed and shall be current
30 employees of the Department of Construction Services. The remaining
31 members shall be appointed by the head or acting head of the user
32 agency and shall serve only for deliberations involving the project for
33 which such members are appointed.

34 (d) The panels established pursuant to subsection (c) of this section
35 shall [not be deemed to be a board or commission within the meaning
36 of section 4-9a. Such panels shall] be the selection panels only for
37 Connecticut Health and Education Facilities Authority projects
38 pursuant to section 10a-89b.

39 (e) There shall be established, within the Department of
40 Construction Services, a State Construction Services Selection Panel
41 that shall consist of [five] three members. Such members shall be
42 appointed by the commissioner, shall be current employees of the
43 Department of Construction Services or any agency for which
44 consultant services may be contracted, and shall serve only for
45 deliberations involving the selection of consultants under subsection
46 (d) of section 4b-51 for which the employees are appointed.

47 [(f) The panel established pursuant to subsection (e) of this section
 48 shall not be deemed to be a board or commission within the meaning
 49 of section 4-9a.]

50 Sec. 2. Subsection (a) of section 4b-100a of the general statutes is
 51 repealed and the following is substituted in lieu thereof (*Effective July*
 52 *1, 2013*):

53 (a) The Department of Construction Services shall establish
 54 construction services award panels which shall each consist of [six]
 55 five members. Three of such members shall be appointed by the
 56 Commissioner of Construction Services, shall be current employees of
 57 the Department of Construction Services and shall serve only for
 58 deliberations involving the project for which such members are
 59 appointed. Two of such members shall be appointed by the
 60 department head of the user agency. [and one member shall be a
 61 neutral party appointed by the commissioner.]

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2013</i>	4b-56
Sec. 2	<i>July 1, 2013</i>	4b-100a(a)

Statement of Legislative Commissioners:

In section 1(a) "appointed by the commissioner" was added for clarity and "employees" was substituted for "members" for consistency.

GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill is not expected to have any fiscal impact because it is anticipated that any reduction in the amount of time that state employees spend serving on such panels will be utilized for other agency-related activities such as the oversight of state construction projects.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 977****AN ACT CONCERNING THE MEMBERSHIP OF CONSTRUCTION SERVICE PANELS.****SUMMARY:**

This bill reduces the size of several construction services panels established within the Department of Construction Services (DCS). It reduces the size of the:

1. construction services selection panels, which recommend consultants, from five members to three for (a) projects valued at less than \$5 million and (b) “on-call” contracts and
2. construction services award panels, which recommend firms, from six members to five for (a) projects that use the design-build approach and (b) certain “fast-track” projects.

EFFECTIVE DATE: July 1, 2013

CONSTRUCTION SERVICES SELECTION PANELS***Consultant Services***

The law requires DCS to establish selection panels to evaluate consultant services (e.g., architects and engineers) proposals valued at more than \$300,000. The panels must submit a list of the most qualified firms to the DCS commissioner for his consideration. Each panel is project-specific; a new panel is appointed for each project.

Under current law, consultant services selection panels have five members, four current or retired DCS employees appointed by the commissioner and one appointed by the head or acting head of the user agency (i.e., the one for which the project is being administered). The bill reduces the size of these panels, from five members to three,

for projects valued at less than \$5 million, by eliminating two of the members who are current or former DCS employees.

On-Call Consultant Contracts

The bill similarly reduces, from five members to three, the size of the selection panels that recommend firms for “on-call” consultant contracts. By law, members of these panels are appointed by the DCS commissioner and must be current employees of DCS or any agency for which consultant services may be contracted. Members serve only for deliberations involving the selection of consultants for which they are appointed.

An on-call contract defines a broad range of consultant services (e.g., architectural services, professional engineers, accountants, and others) and is generally valid for two to three years. An on-call contract is not connected to a specific project; rather, DCS subsequently issues task letters to firms with on-call contracts that identify a specific scope of services to be performed and the fee for those services.

CONSTRUCTION SERVICES AWARD PANELS

The bill reduces, from six members to five, the size of the construction services award panels. It does so by eliminating the neutral party member appointed by the DCS commissioner, thus leaving the panels with three current DCS employees appointed by the commissioner and two members appointed by the head of the user agency. By law, the panels recommend to the DCS commissioner the most qualified firms for (1) DCS-administered design-build construction projects (where DCS contracts with a single entity that both designs and builds the project) and (2) certain “fast-track” projects.

Under the fast-track process, the DCS commissioner submits three or more qualified contractors who are prequalified to an award panel, which then makes a recommendation to the commissioner. The law establishes five fast-track projects: a community court project, downtown Hartford higher education center project, correctional

facility project, juvenile detention center project, and Connecticut State University System student dormitories.

Like the selection panels described above, each award panel is project-specific.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14 Nay 0 (03/27/2013)